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Ex-OPA counsel wins suit

By Farlie de la Torre
Variety News Staff

A LAWYER won his lawsuit for wrongful termination of his employment against the CNMI government and even acting Public Auditor Robert D. Bradshaw.

A jury rendered a verdict Friday afternoon finding the CNMI government and Bradshaw liable to pay plaintiff Robert A. Bisom a total of \$245,300 in damages.

The sit-injury, however, did not hold former Public Auditor Scott Tan liable to pay any damages to Bisom.

As against defendant CNMI government, the jurors awarded Bisom \$100,000 for breach of contract and \$10,300 for wrongful termination.

As against defendant Bradshaw, the jurors awarded plaintiff \$15,000 for intentional infliction of emotional stress, \$18,000 for discharge for political reasons, \$8,000 for due process violations of plaintiff's property interest, \$8,000 for due process violations of plaintiff's liberty interest, and \$50,000 in punitive damages.

Supreme Court Associate Justice

Alexandro C. Castro, as judge pro tem, presided over the three-week jury trial in the Superior Court. Assistant Attorney General David Soebee represented the defendants while Jay H. Soneson served as counsel for Bisom.

Soebee said the government may appeal the case.

Bisom filed the lawsuit in 1996 against the government, Tan, and Bradshaw after he was terminated from his employment with the commonwealth for alleged political and religious reasons.

Bisom used to serve as legal counsel for the Office of the Public Auditor.

Soneson in an earlier interview said that after Bisom was terminated, the plaintiff was offered job by then Senate president and now Lt. Gov. Jesus R. Sablan.

Soneson added that on the day Bisom took the job, there was a change of leadership in the Senate and Sablan's decision was subsequently overturned.

The plaintiff said his termination was politically motivated because he questioned the legality and propriety of a "single audit" as Bradshaw had wanted to conduct.

Bisom added that he was terminated because he was perceived as a political opponent of former Gov. Lorenzo I. Deleon Guerrero as well as a political ally of the previous public auditor.

Bisom stated that Bradshaw also terminated him on account of his being a Jew.

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CPA posts \$360,000 earnings in January



Roman T. Tidale

By Holden M. Eugenio
Variety News Staff

THE COMMONWEALTH Ports Authority (CPA) realized a total of some \$359,332 worth of earnings in January from both the airport and seaport divisions.

In a financial report adopted by the CPA Board of Directors last week, the aviation division's operating revenues climbed up by



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Indeed any evidence supporting the existence, or lack thereof, of female employees within his former position."

DPS asked the court to review CSC's decision reinstating Chong to his position where he will not work with female employees.

Wiseman said during the case's hearing in the case, the parties identified no position in the agency where no female employees are currently employed.

However, the judge noted, Chong would still have contact

judicial review.

Wiseman said the order violates constitutional rights respecting equal protection and employment opportunities under the state.

"Even assuming Chong has to be placed in his former position or into a position where he does not work with female, compliance with the order would exclude future employees of female who would otherwise be qualified for a position in the same division of DPS as respondent," said Wiseman. He said Chong has offered to attend counseling at the Community Guidance Center and

second assessment and committed to a male work environment.

But the commission expressed concern that sexually oriented comments and conduct are beyond the Division of Corrections.

"The commission believes that this is a case where progressive discipline should have been imposed. The employee is a good officer with valuable experience and tenure," said the CSC decision adding that Chong has offered to attend counseling at the Community Guidance Center and

CSC's order was "arbitrary, capricious, an abuse of discretion, and was unsupported by substantial evidence in this case."

Wiseman ruled that while CSC made a voluntary finding regarding the scope and severity of Chong's inappropriate work behavior and concluded that he engaged in sexual harassment, there is no evidence in the record that supports their finding that a position exists within DPS where the respondent could work without female employees.

Thomas got down from the vehicle and walked toward the dock of the Commonwealth Ports Authority. At the dock, Gennusa also argued with the CPA personnel on duty.

Responding Police Officer Joe Sauter arrested Gennusa for refusing to pay the fine.

In other news, a 31-year-old woman was stabbed and injured by another woman for trying to pacify a fight at the parking lot of Josten Auto Sales Shipping Center in Glendale on Friday night.

Justices affirm trial court's judgment in Bisom lawsuit

By Paulie Della Torre
Vice News Staff

THE CNMI Supreme Court on Friday affirmed the trial court's judgment over legal issues pertaining to a lawyer's lawsuit for wrongful termination of his employment against the government.

and the acting Public Auditor Robert D. Bradshaw.

The high court ruled that the trial court did not err in limiting the scope of damages by its conclusion denying administrative evidence of attorney Robert A. Bisom's calculation of his future

loss of income.

The high tribunal determined that the trial court did not err in limiting Bisom's closing argument on the subject of his future income loss.

The high court also found that the trial court did not err in denying Bisom's request for determination to compel the government to indemnify Bradshaw.

The lower court denied such motion after it found no evidence that Bradshaw made a request for indemnification.

The high court ruled that none of the cases cited by Bisom justified them that the trial court abused its discretion by disallowing the proffered testimony, exhibit or argument.

Bisom made certain assumptions in the excluded testimony and claimed, among, that he would be getting \$ per year raises every year as a lawyer until he retired at age 65.

Bisom's calculations also in-

cluded a \$900 a month stipend for living expenses.

"There is no showing on the record before this court how or why Bisom arrived at those figures," said the high court ruling penned by Associate Justice John A. Manglona and concurred by Justices Pro Tempore Pedro M. Andrig and Timothy H. Belote.

With absolutely no foundation for the assumption that his salary would increase 5 percent per year until he retired, Bisom's projection is nothing more than pure speculation, the justices said.

They said that before the government is obligated to defend and indemnify an employee, an employee must request indemnification at least five days before an answer to the complaint must be filed, that the government may file its defense or to defend & re.

The trial court determined that this did not occur, and we will not disturb a factual determination made by the trial court unless,

after reviewing all the evidence, we are left with a firm and definite conviction that a mistake has been made," the justices said.

Consequently, they added, the determination Bisom sought "was superfluous, as the government had no duty to defend or indemnify Bradshaw."

The trial court, however, said, was under no obligation to make the determination Bisom requested.

Court records showed that Bisom filed the lawsuit in 1996 against the government, former Public Auditor Sora Tua, and Bradshaw after he was terminated from his employment for alleged political and religious reasons.

Bisom used to serve as legal counsel for the Office of the Public Auditor.

In Feb. 2000, a jury rendered a verdict finding the CNMI government and Bradshaw liable to pay Bisom a total of \$M4,000 in damages.

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